THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.9842 of 2007

Dated 01-05- 2007

Between:

M.Sai Narasimharao and others

…Petitioners

And

The Principal Secretary to Government and others

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.9842 of 2007

ORDER:

The petitioners claim to be the owners of land in Sy.Nos.299 and 300 of Poppalaguda Village, Rajendranagar Mandal, Ranga

Reddy District. On earlier occasion, the Joint Collector, Ranga Reddy, addressed a letter dated 08-01-2001 to the Sub-Registrar, Rajendranagar, the 3rd respondent, requesting him not to entertain any documents, in relation to the lands in Sy.Nos.277 to 342 and 345 of Poppalaguda Village. Feeling aggrieved by this letter, the petitioners filed W.P.No.13024 of 2001. The writ petition was allowed on 19-09-2001, holding that the 2nd respondent is not vested with any power, under Section 22-A of the Registration Act (for short 'the Act').

The Government issued orders in G.O.Ms.No.1092, dated 06-06-2005, in exercise of the power under Section 22-A of the Act, in respect of the lands in several survey numbers, including the one, at Sl.Nos.89 and 90. The petitioners feel aggrieved by the G.O., in so far as it relates to their lands.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

The attempt made by the 2nd respondent to prohibit the transactions, in respect of the lands in Sy.Nos.299 and 300 of Poppalaguda Village, was set at naught by a Division Bench of this Court, through its order dated 19-09-2001, in W.A.No.1390 of 2001. The power of the Government to issue of the order under Section 22-A of the Act was recognized. Obviously, it is in this context, that the impugned G.O. was issued.

Recently, the Supreme Court examined the validity of the provisions, similar to Section 22-A of the Act, in ***State of Rajasthan v. basanth Nahata***[1] and held that such a provision was *ultra vires* of the Act. The same was followed by this Court in many cases and Section 22-A of the Act was set aside. Therefore, the impugned order, in so far as it relates to the lands of the petitioners is liable to be set

aside. Consequently the 3rd respondent shall be under obligation to receive and examine the documents that may be presented by the petitioners in relation to the lands in Sy.Nos. 299 and 300 of Poppalaguda Village, Rajendranagar Mandal, Ranga Reddy District, in accordance with law, without reference to G.O.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt. – -2007.

KO

---

[1] AIR 2005 Supreme Court 3401=(205) 12 SCC 77